

REMARKS**Claim Objections**

Claims 1-5, 8, 15, 17, 27-29, 35, and 39 have been objected to under 37 CFR 1.75.

The Applicants and their attorney have reviewed the wide-ranging suggestions placed in the Office Action by the Examiner relating to the desired format of the claims. Applicants appreciate the thorough consideration provided by the Examiner in this matter and have accepted many of those suggestions. Since the independent claims have been extensively amended, a detailed review of those suggestions that have been accepted is not here made. Nevertheless, the claims had been in conformance with Rule 75 prior to amendment and are still in compliance with Rule 75. It is to be noted that 37 CFR 1.75 does not provide authority for required "correction."

Further, as to the comments relating to the term "the Internet" formerly found in claims 8 and 21, the term has been deleted. The comments relating to that topic in the Office Action are appreciated, but are not altogether clear. For instance, one does not register a trademark for services. That is the realm of the service mark. It is not clear what is meant by "not presently trademarked for the service of a computer network." Trademark rights and service mark rights are rights that begin to exist as of the time that they are used in commerce in conjunction with those products or services. It is unclear what relationship any existing trademark rights has to the question of whether claims 8 and 14 conform to any requirements found in 37 CFR 1.75. Although the objection has been mooted by the removal of the term from the claims in question, Applicants and their attorney remain somewhat mystified by the presence of the objection in the first place.

In any event, withdrawal of the objection is requested.

35 USC §112, Paragraph 2, Rejection

Claims 4 and 15 stand rejected under 35 USC §112, second paragraph, as indefinite.

Applicants do not agree that claims 4 and 15 were in any manner vague prior to the voluntary amendments to these claims. It is clear from the context of the terms to which network in claim 4 referred and to the jackpot system in claim 15. Nevertheless, Applicants have chosen to amend the claims to provide direct correlation between the noted terms and those around them.

Withdrawal of the rejection is requested.

35 USC §102(e) Rejection – Found et al.

Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39 stand rejected under 35 USC §102(e) as anticipated by Found et al (US Publication No. 2001/0049303). In support of the rejection, the Office Action notes, in part:

“Found et al. discloses a multivenue jackpot system having a central control system which is connected via a type of communications network to multiple gaming venues. Each gaming venue has multiple electronic gaming machines and gaming machine types. Each of the gaming machines include a hard meter and a jackpot interface for linking via a venue network to a jackpot controller. The gaming machines are capable of playing in a multiple gaming machine jackpot game. The jackpot criteria can be any one of a predetermined award criteria, such as, a random time, predetermined level, usage factor, etc. in order to award a prize.”

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“A jackpot system for providing jackpots on electronic gaming machines (EGMs) operating in a plurality of EGM venues, the system comprising a master controller (6) located remotely from at least one of the EGM venues (26) and a networked EGM installation (30) located at each EGM venue, each networked EGM installation comprising one or more EGMs (28) connected via a communications network (30) to a network controller, wherein the master controller is not directly connected to the respective communications network of at least one of the EGM networks (central controller (6) is indirectly connected to gaming venue networks (30) via a communications network (4)), each networked EGM installation further comprising jackpot awarding means (jackpot

controller (32)) arranged to award jackpot prizes to individual EGMs (28) in the respective EGM installation based on a predetermined trigger condition being established (a random time, predetermined level, usage factor, etc in order to award a prize) and reporting means arranged to periodically initiate a gaming activity report and communicate the gaming activity report to the master controller (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122)."

Applicants note that specifics of certain of the dependent claims have been outlined as well under this rejection. However, since the central points mentioned just below are not found in the Found et al publication, it is sufficient to say that the argument relating to dependent claims 1, 2, and 17 is sufficient as a complete argument for overcoming the Found et al publication as a reference against the dependent claims.

Each of the independent claims provides for "jackpot awarding means where those means are a component of a networked EGM installation located at an EGM venue." In claim 1, "jackpot prizes [are awarded] based on the occurrence of a predetermined trigger condition which is determined without reference to the master controller." In claim 2, the system is adapted in such a way that it awards "jackpot prizes to individual EGMs based on a predetermined trigger condition being established..." Claim 17 similarly requires that the "jackpot awarding means [be] arranged to award jackpot prize to individual EGMs based on predetermined trigger condition being established."

Indeed, in sharp contrast, Found et al provides for a jackpot control center (6 in the drawings). The awarding of the jackpot is subject both to the control of the jackpot controller 32 as well as remotely placed jackpot control center 6.

Again, in sharp contrast, the claimed systems and controllers are configured in such a way that the awarding of jackpots occurs without intervention by any such remote device.

Although there are many other differences between the claimed systems and controllers and the devices found in the Found et al publication, merely pointing to this specific difference is sufficient to overcome the anticipation rejection.

Again, it should be emphasized that despite the statements in the Office Action, Found et al.'s jackpot controller and control system operate in such a way that "the central control system establishes a jackpot which is based upon the occurrence of a random event, and upon occurrence of the random event the central control system selects a winning venue and wherein the jackpot controller at the winning venue is arranged to select a winning EGM by reference to hard meter input signals..." Said another way: The jackpot controller only awards the jackpot after the central control system tells it to do so. See page 1, paragraph [0013].

This is confirmed at page 2, paragraph [0043] and [0044].

35 USC §103(a) Rejection – Found et al.

Claims 7-9, 20-22, 31-32, and 36-37 stand rejected under 35 USC §103(a) as unpatentable over Found et al. In support of the rejection, the Office Action notes, in part:

"Found et al. discloses that as discussed above regarding Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39. Found et al. discloses the front-end processors connected via a LAN to the central controller also indirectly connects the central controller (6) to a WAN (4). However, Found et al. seems to lack explicitly disclosing:

Regarding Claim 7, 20, 31, and 36:

- communication between the front-end processor and the master controller is via e-mail.

Regarding Claim 8 and 21:

- communication between the front-end processor and the master controller is transmitted over the Internet.

Regarding Claim 9, 22, 32, and 37:

- communication between the front-end processor and the master controller is via reports printed on paper.

However, it would have been obvious at the time of Applicant's invention to utilize any of the communication methods mentioned above for communication between a front-end processor and the master controller. Each of these communication methods are notoriously well known in the art. Furthermore, as mentioned in paragraph 57, multiple copies of hard meter input data and jackpot values are required in multiple physical locations in order to maintain integrity in the system. Therefore, it would have been obvious to implement the communication methods above between the front-end processor and the master controller in order to satisfy gaming authority requirements."

The Found et al reference still is inadequate as a reference under 35 USC §103 for the reasons mentioned above in discussing the rejection under 35 USC §102.

Additionally, since the jackpot delivery system found in the Found et al. disclosure is controlled by the central controller 6, a remotely located system, it seems highly unlikely that one having ordinary skill in the art would look to delivery of jackpot news from that central computer by paper report. Envisioning a Las Vegas gaming hall where news of a jackpot is delivered to a player only after a house courier walks over from a remote office and inserts a paper into the machine to activate the jackpot delivery seems like a certain pathway out of the gaming business for that specific one of ordinary skill in the art. More seriously, the nature of the makeup of the Found et al system is such that rapid communication is most desirable. Should the communications via internet or email be slower than a hard-wired installation, it is unlikely that the trade down to lowered speed would be acceptable.

Withdrawal of the rejection under 35 USC §103 over Found et al is requested.

35 USC §103(a) Rejection – Found & Costello

Claims 14 and 34 stand rejected under 35 USC §103(a) as unpatentable over Found et al in view of Costello (AU-A-48323/97). In support of the rejection, the Office Action notes:

"Found et al. discloses that as discussed above regarding Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39. Found et al. discloses the front-end processors connected via a LAN to the central controller also indirectly connects the central controller (6) to a WAN (4). However, Found et al. seems to lack explicitly disclosing:

Regarding Claims 14 and 34:

- the front-end processor communicates with a security system including a security video camera, and the security system being responsive to the indication of the identity of each winning EGM to direct the field of view of security video cameras to the area of the respective EGM.

Costello and Found et al. are analogous art because each teaches of a distributed gaming system that can communicate over a network. Furthermore, Costello teaches:

Regarding Claims 14 and 34:

- the front-end processor communicates with a security system including a security video camera, and the security being responsive to the indication of the identity of each winning EGM to direct the field of view of security video cameras to the area of the respective EGM (Figure 3 and Page 6, lines 20-32).

It would have been obvious at the time of Applicant's invention to utilize the security video camera system of Costello in Found et al. One would be motivated to do so such that the central controller would be able to instantly identify a winner in a high stakes jackpot game."

Applicants disagree and would again point out that Costello does not remedy the deficiencies of the Found et al. reference and consequently, this rejection under 35 USC 103 must fall as well. In the absence of any teaching relating to the existence of or use of the claimed jackpot component, claims 14 and 34 are not properly rejectable over the stated combination of publications.

Withdrawal of the rejection is appropriate.

CONCLUSION

Applicants note the citation of several references Frankovic '801, Tracy '055, '909, Weiss '730, Franchi '533, and Harlick '733. Applicants agree that they are even less pertinent than is the otherwise inapplicable Found et al reference and the Costello patent.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 273402003400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By E. Thomas Wheelock

E. Thomas Wheelock

Registration No.: 28,825

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

(650) 813-5739